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The English Constitution ; A Commentary on Its Nature and Growth.

By JESSE MACY, M. A., Professor of Political Science in Iowa College. Pp. xxiii, 534. Price, \$2.00. New York and London : The Macmillan Co., 1897.

Since Professor Macy published his little book on civil government in the United States, students of politics have expected nothing but good work from his pen. The present volume on the English constitution is, on the whole, the most elaborate and the best that he has published.

The book has been written primarily to furnish in convenient form for American students a sufficient account of the development and present working of the English constitution to enable them to understand thoroughly the government of the United States. Professor Macy believes with Mr. Hannis Taylor, and indeed with most students of American politics, that no thorough knowledge of that subject can be acquired without noting carefully the historic connection between American and English institutions. Moreover, no other government of the present day is so suggestive by way of contrast. The United States is considered the type of the presidential form of government; England is the best representative of the parliamentary form. The United States is the typical country with a written constitution; England the typical country without a written constitution.

The first part of the work is, for American students, on the whole, the best account that can be found in compact form of the English constitution as it works to-day. It lacks some of the life and vigor of Bagehot's account, is indeed somewhat diffuse in style; but it is more complete than Bagehot's, and being written from the American standpoint is peculiarly adapted for the use of American students. Throughout the work Professor Macy has aimed to give not merely the form of the English government, but also to interpret its spirit; and he also presents the contrasts in our government in such a way as to bring out the strong and the weak points in each.

Every student of politics is likely of course to have his own point of view, and in consequence to find in the work of another parts that seem especially strong and others that seem weak. To the reviewer of this work, the chapter on the English courts seems especially good, and the discussion regarding the influence of the judiciary upon the constitutions of the two countries unusually suggestive and helpful. The discussion of the prerogative of the Crown is also of especial merit; while that regarding the church seems to be inadequate. Aside from the direct question of its

disestablishment, the church has a very powerful influence in many cases in English politics to-day, and some few words at least might well have been said regarding this influence.

In one or two minor matters, Professor Macy seems to have failed to make quite clear the spirit of the English government. For example, in his chapter on the House of Lords, in referring to the duty of the Lords to yield to the House of Commons on matters of vital importance, Professor Macy seems to imply some formal distinction that separates cabinet from non-cabinet measures, though possibly he does not intend to give the impression that there is any formal distinction between the two, so far as their nature is concerned. Any measure that would be of sufficient importance to force an issue between the two houses, and that the cabinet cared for any reason whatever to press, would be in the nature of the case a cabinet measure. Adoption of a bill by the cabinet means only that the cabinet thinks it important, and is willing to use its influence in pushing it, even to the extent of risking a defeat and consequent resignation if necessary.

In this same chapter on the House of Lords are one or two statements that, strictly speaking, amount to misstatements of facts. For example, on page 43 it is stated that three members of the House of Lords constitute a quorum for doing business. Of course this is technically true, and in speaking of the judicial functions of the House of Lords, it would not be misleading. But with reference to ordinary legislation it is misleading, since, according to rule 33 of the house, adopted in 1889, thirty Lords must be present in order that a question may be decided on a division. Again, on page 44, in contrasting the attendance in the House of Lords with that in the House of Commons, the statement is made that "nearly every member of the Commons habitually attends its sittings. On important divisions each of the two parties musters nearly all its force." This is somewhat too emphatic. It is well known that the House of Commons has not seating capacity to accommodate all its members, and on most divisions, even the important ones, a goodly number is absent. On the second reading of Mr. Gladstone's Home Rule bill, to be sure, there were only fourteen members absent, and they were paired. But on that measure even the House of Lords mustered 460. On most of the divisions in the Commons on the Home Rule bill, considerably more than one hundred members were absent, and in no case, I believe, except the one mentioned, were less than fifty absent. Of course no other measure of late years has aroused the same interest, and at no other time probably has the attendance been so uniformly large as during that discussion.

Again, on page 87, it is implied that the Board of Trade is no longer even formally a committee of the Privy Council; but while it is a department of administration, I believe that in form it is still a committee of the Privy Council. These errors, however, are none of them important, and they are few.

The second part of the work, on constitutional history, is full of information; and in writing it Professor Macy has shown very great skill in selecting just the matter that was needed to show clearly the successive steps in the development of the constitution.

On the whole, the book will doubtless be found the most satisfactory one for use in American colleges in the study of the English constitution.

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Théories modernes sur les origines de la famille, de la société et de l'état. Par ADOLPHO POSADA, Professeur de droit politique à l'Université d'Oviedo. Ouvrage traduit de l'espagnol, avec l'autorisation de l'auteur, par Frantz de Zeltner et précédé d'une préface de René Worms. Bibliothèque sociologique internationale, No. IV. Pp. 150. Price, 4 francs; cloth, 6 francs. Paris: V. Giard et E. Briere, 1896.

Recht und Sitte auf den verschiedenen wirtschaftlichen Kulturstufen. Von Dr. RICHARD HILDEBRAND. Erster Theil. Pp. 191. Jena: Gustav Fischer, 1896.

Both of these books are of unusual interest to students of primitive institutions, especially to those familiar with the controversy over the early forms of the family. In one sense, without apparently having had any influence on each other, they mark the summing up of an old and the beginning of a new order of procedure in such studies.

Professor Posada published his work in the Spanish original in 1892,* and has made few changes in the text for this French translation, other than in the addition of two short appendices, one developing more fully his thesis as to the character of the political state which he conceives to be dependent on the "*symbiose territoriale*" or association of families and individuals within territorial limits but without community of origin or blood relationship, and the other putting forth an hypothesis contrary to the supposition that the matriarchate is the more primitive type of family. This hypothesis consists of a linguistic argument, by no means conclusive, resting on the assumption that the radicals *pa* and *ma*, common to so many languages to denote father and mother, vary sufficiently in the ease with which they can be pronounced to indicate that *pa*, the easier to pronounce, is the older.

*Madrid, Imprimerie de la Revue de Législation.